



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,282	10/05/2001	Benne Velsher	81925.0005	4872

7590 08/13/2003
HOGAN & HARTSON L.L.P.
500 South Grand Avenue, Suite 1900
Los Angeles, CA 90071

EXAMINER

RAHLL, JERRY T

ART UNIT	PAPER NUMBER
----------	--------------

2874

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/972,282

Applicant(s)

VELSHER ET AL.

Examiner

Jerry T Rahl

Art Unit

2874

H

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, -4 and 6-17 is/are rejected.
- 7) ☒ Claim(s) 2, 5 and 18-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being inherently anticipated by U.S. Patent No. 5,011,256 to Johnson et al.

3. Johnson et al. describes an opto-electronic package having an enclosed package (12, 14), a plurality of electrical contacts (58) extending into the enclosed package, an optical device (C) mounted within the package and coupled to the electrical contacts and an optical fiber (P) extending through the at least one peripheral portion of the package to the optical device along a common plane where the package is comprised of opposite portions (12, 14) joined together at an interface substantially at the common plane (see Figures 1-5 and Columns 3-5). Johnson et al. does not specifically describe the package forming a hermetic enclosure. However, the connection process between the package portions (see Column 5, lines 15-35) would inherently form a hermetic enclosure of the package.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

Art Unit: 2874

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3-4 and 6-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,530,701 to Jin.

7. Johnson et al. describes an opto-electronic package as described above. Johnson et al. does not describe multiple optical fibers or an array of optical fibers. Jin et al. describes multiple optical fibers (27) extending through a periphery portion of an opto-electronic package (10, 12). Johnson et al. and Jin are analogous art because they are from the same field of endeavor of opto-electronic packaging. At the time of invention, it would have been obvious to one of ordinary skill in the art to use the optical fiber array of Jin with the package of Johnson et al. The motivation for doing so would have been to allow the use of an optical device having more than one optical input or output (such as a transceiver or amplifier). Therefore, it would have been obvious to one of ordinary skill in the art to combine Jin with Johnson et al.

8. Johnson et al. describes an opto-electronic package as described above. Johnson et al. further describes the package body comprising a package lid and a package body joined at the interface and configured to form an end pipe (32) around the optical fiber at the interface. Johnson et al. does not describe the lid and body configured to form pipes about multiple optical fibers. Jin et al. describes the package lid (10) and package body (12) configured, with use of

Art Unit: 2874

multiple grooves, to form end pipes (24) about multiple optical fibers (27). Johnson et al. and Jin are analogous art because they are from the same field of endeavor of opto-electronic packaging. At the time of invention, it would have been obvious to one of ordinary skill in the art to use the optical fiber array of Jin with the package of Johnson et al. The motivation for doing so would have been to allow the use of an optical device having more than one optical input or output (such as a transceiver or amplifier). Therefore, it would have been obvious to one of ordinary skill in the art to combine Jin with Johnson et al.

9. Johnson et al. describes an opto-electronic package as described above. Johnson et al. does not describe interface and optical fibers as solder-sealed. Johnson et al. does state that any suitable arrangement may be used to seal the cover to the body (see Column 5 Lines 31-34). Jin et al. describes the use of solder sealing to seal the interface and optical fibers (see Column 2 Line 55-Column 3 Line 44). Johnson et al. and Jin are analogous art because they are from the same field of endeavor of opto-electronic packaging. At the time of invention, it would have been obvious to one of ordinary skill in the art to use the optical fiber array of Jin with the package of Johnson et al. The motivation for doing so would have been to seal the package components and fiber feed-through in one step. Therefore, it would have been obvious to one of ordinary skill in the art to combine Jin with Johnson et al.

10. The methods of Claims 15-17 are embodied by the above describes devices.

Allowable Subject Matter

11. Claims 2, 5 and 18-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. \

12. Claims 2, 5 and 18-21 describe optical arrays that feed through a second peripheral portion of the package, opposite sides of the package or adjacent sides of the package. The prior art of record only describes optical fibers entering the package at one side.

13. Claims 22-23 describe the package as having multiple fiber arrays. The prior art of record only describes the package having a single fiber array.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry T Rahll whose telephone number is (703) 306-0031. The examiner can normally be reached on M-F (8:00-5:30), with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone numbers for

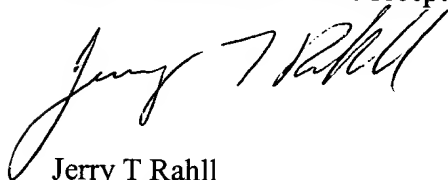
Application/Control Number: 09/972,282

Page 6

Art Unit: 2874

the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Jerry T Rahll
August 8, 2003



AKM ENAYET ULLAH
PRIMARY EXAMINER